

**Notice of Allowability**

Application No.

10/536,877

Examiner

Paul Ip

Applicant(s)

DE WAELE ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed on 1/6/2006.
2. ☒ The allowed claim(s) is/are 11-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/27/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Paul Ip  
Primary Examiner  
AU 2837

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because: The boxes shown in figures 1 and 4 are not labeled with proper names as required by 37 CFR 1.83(a). Figures 1 and 4 have been amended and approved by the examiner as shown in the attachment. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The specification fails to comply with rule 37 CFR 1.77, Arrangement of application elements. The specification has been amended as follows.

In the specification:

Page 2 before line 1 inserts - - BACKGROUND OF THE INVENTION - -.

Page 5 before line 1 inserts - - SUMMARY OF THE INVENTION - -.

Page 6 between lines 7 and 8 inserts - - BRIEF DESCRIPTION OF THE DRAWINGS - -.

Page 7 between lines 4 and 5 inserts - - DETAILED DESCRIPTION OF  
PREFERRED EMBODIMENTS - -.

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Claims 11-20 filed on 1/06/2006 have been considered in view of the specification and the drawings of this application with respect to the references of the record. Claim 11 is drafted in terms of an apparatus with a means plus function. The means plus function has been considered in light of the specification. The references of the record fail to teach or suggest:

by a first electrical-energy source including a fuel-cell stack that is supplied with fuel by a reformer when a temperature of the reformer is higher than or equal to a threshold temperature; or

by a second electrical-energy source including an auxiliary battery, as long as the temperature of the reformer is below the threshold temperature;

an accelerator pedal configured to be moved between a rest position and an actuated extreme position corresponding to a maximum mechanical power that can be delivered by the motor as a function of electric power available for supplying the motor; and

means for varying the actuated extreme position of the pedal as a function of a parameter representative of electrical power available to supply the motor.

The patents or publications to Kanno (2003/0116367), Nonobe et al (5,929,594), Nonobe (6,158,537), Kimura et al (5,964,309), and Iwasaki (6,447,939) fail to teach or suggest an accelerator pedal configured to be moved between a rest position and an actuated extreme position corresponding to a maximum mechanical power that can be

delivered by the motor as a function of electric power available for supplying the motor, and means for varying the actuated extreme position of the pedal as a function of a parameter representative of electrical power available to supply the motor as recited in the claim. The references of the record, taken either alone or in combination fail to teach or suggest the limitations and means plus function as recited in the claims.

Claims 11-20 are patentable over the references of the record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **COMMUNICATION INFORMATION**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (571)-272-1941.

The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571)-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

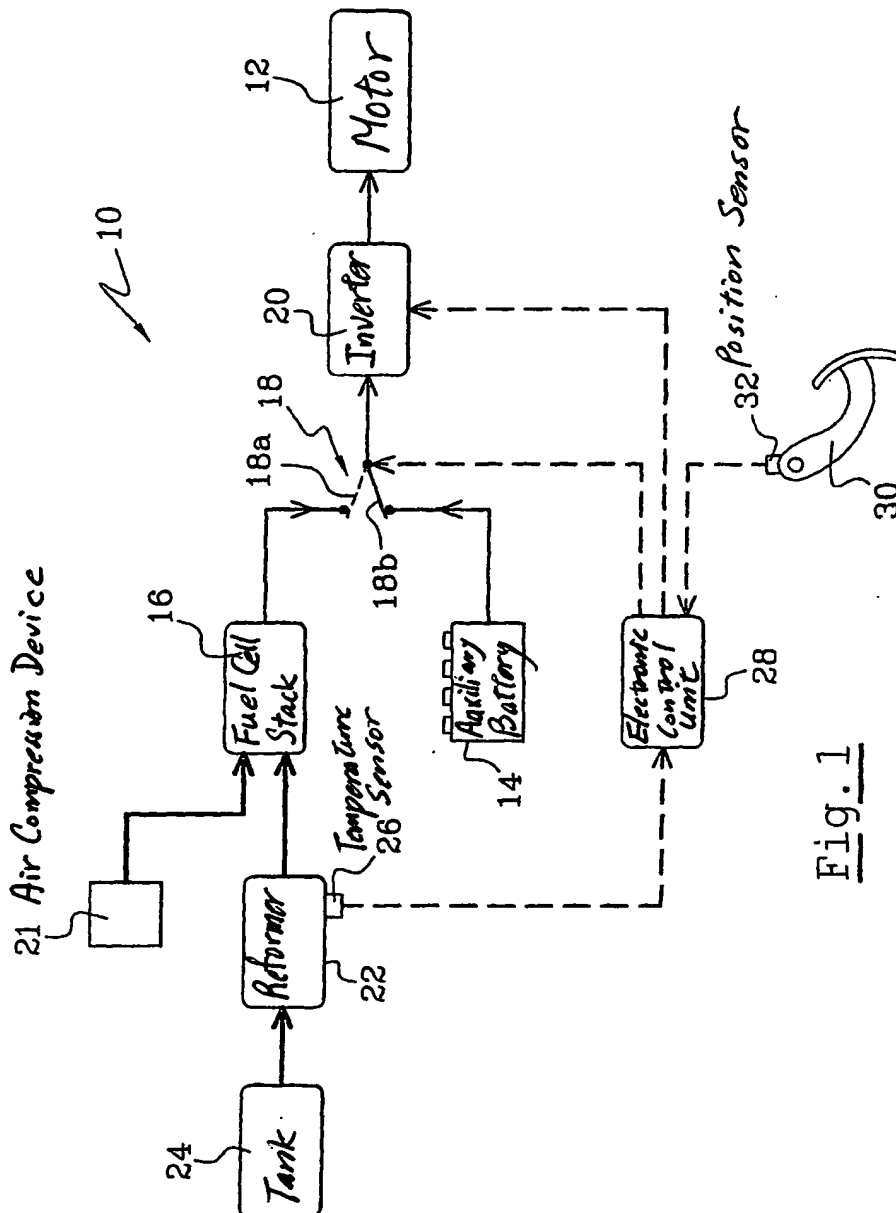


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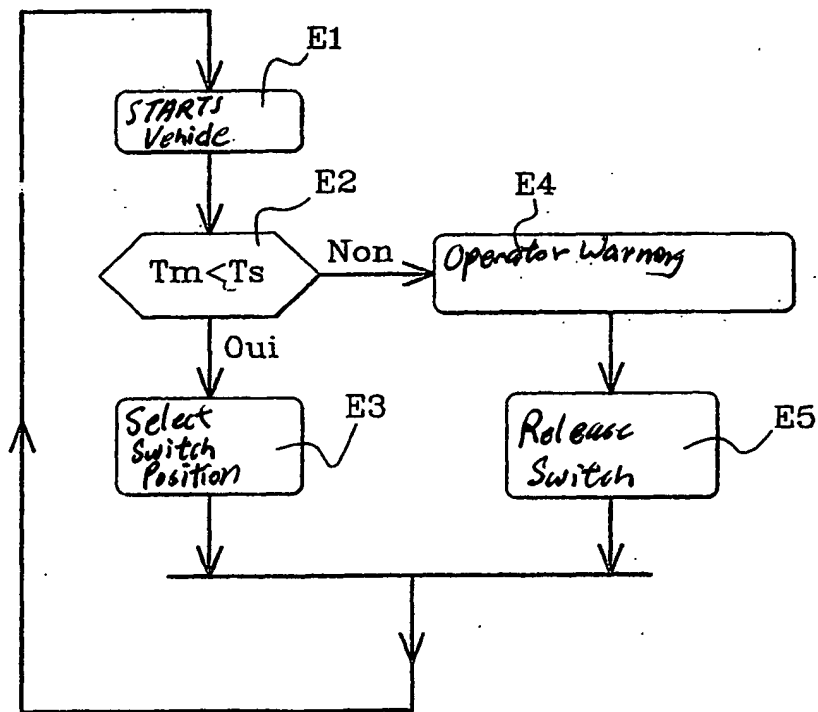
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approved  
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10/536,877



3/4

Fig. 4

approved  
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10/20/2003